

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

JOHNNY L. WILLIAMS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	1:16cv984-MHT
)	(WO)
CITY OF LEVEL PLAINS,)	
ALABAMA,)	
)	
Defendant.)	

OPINION

Plaintiff filed this lawsuit asserting race and age discrimination and retaliation, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and the Age Discrimination in Employment Act, 29 U.S.C § 621 et seq. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendant's motion to dismiss be granted and that plaintiff's case be dismissed with prejudice. In the recommendation, the Magistrate Judge also denied the plaintiff's request to file an amended complaint because it was cursory and not filed in accordance with the Federal Rules of Civil Procedure of the court's local rules. There are no objections to

the recommendation.

After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted with the following exception. Because the plaintiff is pro se and it is possible that, if given the opportunity to file an amended complaint with additional detail, he could plead a valid retaliation claim or a discrimination claim based on his discipline, demotion, and/or discharge, and in the interest of justice, the dismissal of those claims will be without prejudice and with leave to file an amended complaint. See Fed. R. Civ. P. 15(a)(2) ("The court should freely give leave [to amend] when justice so requires."). The magistrate judge will set a schedule for plaintiff to file an amended complaint.

An appropriate judgment will be entered.

DONE, this the 28th day of September, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE